

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:)	
)	
Grant E. DUBOIS et al.)	Group Art Unit: 1761
)	
Application No.: 09/838,809)	Examiner: Carolyn A. PADEN
)	
Filed: April 20, 2001)	
)	
For: NON CALORIC FROZEN)	Confirmation No.: 3526
CARBONATED BEVERAGE)	

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

VIA EFS-Web

Sir:

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31

Applicant appeals to the Board of Patent Appeals and Interferences from the Final Office Action dated December 3, 2007. A petition for a three (3) month extension of time is submitted herewith, along with the required petition fee.

The Notice of Appeal Fee of \$510.00 is also submitted herewith.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 3, 2008

/Robert C. Stanley/

By: _____
Robert C. Stanley
Reg. No. 55,830